

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED  
2008 JAN -3 AM 11:54  
CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY WJ  
DEPUTY

CHARLES EDWARD LINCOLN III,  
AND JOHN HENRY FRANKS,

PLAINTIFFS,

V.

CAUSE NO. A-06-CA-838-LY

GREG ABBOTT, TEXAS ATTORNEY  
GENERAL; THE HONORABLE JAMES  
F. CLAWSON; MICHAEL P. DAVIS;  
JANA DUTY, WILLIAMSON COUNTY  
ATTORNEY; JAMES RANDALL  
GRIMES; THE HONORABLE MICHAEL  
JERGENS; LAURIE J. NOWLIN; THE  
HONORABLE B.B. SCHRAUB; JAMES  
CARLTON TODD; WILLIAMSON  
COUNTY, TEXAS; TEXAS STATE  
JUDGES MICHAEL JOE 1-N; TEXAS  
ATTORNEYS JAMES JOE 1-N,

DEFENDANTS.

**ORDER DISMISSING MOTION TO SUPPLEMENT RECORD ON APPEAL**

Before the Court are Plaintiffs' Notice of Appeal and Motion to Supplement Record on Appeal and For Purposes of Filing Motions Pursuant to Rule 60(b) filed September 13, 2007 (Clerk's Document 104), Defendants Abbott, Todd, Clawson, and Schraub's Response to Plaintiffs' Motion to Supplement Record filed October 8, 2007 (Clerk's Document 107), and Defendants, James Randall Grimes' and Michael P. Davis', Motion to Adopt Response of Defendants Abbott, Todd, Clawson, and Schraub's Response to Plaintiffs' Motion to Supplement Record filed October 9, 2007 (Clerk's Document 108).

The Court signed a Final Judgment dismissing this action with prejudice on May 14, 2007

(Clerk's Document 90). After the judgment was filed, Plaintiffs twice filed motions to amend or alter the judgment and reinstate the case, and filed an evidentiary supplement (Clerk's Documents 93, 97, and 99). The Court denied the original motion to amend or alter the judgment, and treated the second as a motion to supplement the first and dismissed both supplements on August 14, 2007 (Clerk's Document 103). In those motions, Plaintiffs blamed their inability to comply with the Court's local rules and failure to meet the Court's show cause deadline on an attorney who had never formally appeared on their behalf in the case.

Plaintiffs filed their Notice of Appeal and Motion to Supplement Record on Appeal and For Purposes of Filing Motions Pursuant to Rule 60(b) on September 13, 2007. In the motion to supplement record on appeal, Plaintiffs request that the Court supplement the record "by adding or inserting all letters or other 'unofficial' communications" the Court has received from the above-mentioned attorney, David Sibley, or from Defendants or their attorneys. On October 20, 2007, the Fifth Circuit Court of Appeals dismissed Plaintiffs' appeal for want of prosecution because the appellant failed to timely pay the docketing fee (Clerk's Document 111). The Court will therefore dismiss the motion to supplement.

**IT IS ORDERED** that the portion of Plaintiffs' Notice of Appeal and Motion to Supplement Record on Appeal and For Purposes of Filing Motions Pursuant to Rule 60(b) (Clerk's Document 104) requesting the Court to supplement the record on appeal is **DISMISSED**.

SIGNED this 3rd day of January, 2008.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE